

Message Text

CONFIDENTIAL

PAGE 01 OSLO 03844 070753Z

12

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C O N F I D E N T I A L OSLO 3844

E.O. 11652: GDS

TAGS: EFIS PLOS NO

SUBJ: DECLARATION OF SVALBARD FISHERY CONSERVATION ZONE

REF: OSLO 3764

BEGIN SUMMARY: ACCORDING TO FOREIGN MINISTRY LEGAL DIRECTOR ELIASSEN, ENABLING LEGISLATION FOR ESTABLISHMENT OF 200-MILE FISHING AND ECONOMIC ZONES AROUND NORWEGIAN MAINLAND AND SVALBARD WILL PROBABLY GO TO CABINET ON AUGUST 27 AND TO PARLIAMENT IN OCTOBER. HOWEVER, OPTIONS PAPER ON WHAT ACTUALLY TO DO AROUND SVALBARD WILL NOT GO TO CABINET UNTIL THE END OF SEPTEMBER AND NO DECISION ON IT IS LIKELY FOR SOME TIME OR IS NECESSARY BEFORE NORWAY EXAMINES OTHER ALTERNATIVES TO ZONES, INCLUDING NEAFC FISH CONSERVATION AGREEMENT. NOR DOES ELIASSEN SEE DECISION ON SVALBARD NECESSARY BEFORE NORWAY ESTABLISHES ZONES ELSEWHERE, PROBABLY IN EARLY 1977. THIS SHOULD GIVE AMPLE TIME FOR U.S./NORWEGIAN CONSULTATIONS ON ISSUE (NEXT SVALBARD CONSULTATIONS ARE SCHEDULED FOR OCTOBER) AND SHOWS THAT NORWAY IS LOOKING MORE AT THE POLITICAL RAMIFICATIONS OF SVALABARD ACTIONS AND POLICIES AS A WHOLE RATHER THAN PIECEMEAL. FOR THESE REASONS AND FOR THOSE IN REFTTEL, WE RECOMMEND THAT WE SHOULD WAIT UNTIL AFTER OUR NEXT SVALBARD CONSULTATIONS TO DECIDE WHETHER TO ENTER A FORMAL RESERVATION ON SVALBARD FISHERIES. END SUMMARY

1. DIRGEN FOR LEGAL AFFAIRS IN FONMIN, ELIASSEN, CLARIFIED FOR DCM

CONFIDENTIAL

CONFIDENTIAL

PAGE 02 OSLO 03844 070753Z

AND E/C COUNS STATUS OF AND PLAN FOR SVALBARD ECONOMIC ZONE ON

AUGUST 4. ELIASSEN SAID THAT ENABLING LEGISLATION FOR A 200-MILE ECONOMIC ZONE IS SCHEDULED TO BE CONSIDERED BY THE CABINET ON AUG 27. THE LEGISLATION WILL CONTAIN AUTHORITY TO PROCLAIM 200-MILE ZONES AS WELL AS REGULATORY AUTHORITY FOR THE ZONES. IT WILL INCORPORATE PROVISIONS FOR THE ESTABLISHMENT OF ZONES OFF DIFFERENT PARTS OF NORWAY AT DIFFERENT TIMES AS WELL AS INTERPRETATIVE MATERIAL WHICH WILL MAKE IT CLEAR THAT THE LEGISLATION COULD BE APPLIED TO SVALBARD AS WELL AS THE NORWEGIAN MAINLAND. AFTER APPROVAL BY THE CABINET, THE LEGISLATION WILL BE TRANSMITTED FOR APPROVAL TO PARLIAMENT WHICH RECONVENES IN EARLY OCTOBER. THE DATE FOR TRANSMITTAL TO PARLIAMENT IS NOT FIXED, BUT PRESUMABLY IT WILL BE BEFORE THE MIDDLE OF OCTOBER. IN PARLIAMENT THE LEGISLATION WILL FIRST BE CONSIDERED BY THE FOREIGN AFFAIRS COMMITTEE (THE COMMITTEE HAS NO SCHEDULE FOR DOING SO AS YET) AND THEN DISCUSSED BY BOTH HOUSES OF PARLIAMENT. PARLIAMENTARY CONSIDERATION OF THE LEGISLATION SHOULD BE COMPLETED BEFORE PARLIAMENT ADJOURNES FOR ITS CHRISTMAS RECESS AROUND THE MIDDLE OF DECEMBER, SINCE NORWAY MAY INTRODUCE ECONOMIC OF FISHERIES ZONES AROUND SOME PARTS OF NORWAY AS EARLY AS JANUARY 1, 1977.

2. ELIASSEN MADE IT CLEAR THAT THE GOVERNMENT'S PLANNED TACTIC IN THE PARLIAMENTARY DEBATE ON REENABLING LEGISLATION WILL BE TO AVOID COMMITTING ITSELF ON THE ISSUE OF WHETHER OR NOT IT INTENDS TO ESTABLISH AN ECONOMIC ZONE OR FISHERY ZONE (OR BOTH) AROUND SVALBARD. GOVERNMENT SPOKESMEN INTEND TO REPLY TO QUESTIONS BY NOTING THAT THE MATTER IS UNDER STUDY.

3. MEANWHILE, ELIASSEN HIMSELF IS CHAIRING AN INTERAGENCY COMMITTEE TO MAKE RECOMMENDATIONS TO THE CABINET ON THE PROS AND CONS OF ESTABLISHING SUCH ZONES AROUND SVALBARD, AND ON THE MEANS BY WHICH SUCH ZONES, IF ANY, SHOULD BE ESTABLISHED. AS PART OF THIS STUDY, PS COMMITTEE IS CONSIDERING FISH CONSERVATION AROUND SVALBARD, THE NATURE OF THE REGIME WHICH SHOULD BE ESTABLISHED FOR THIS PURPOSE, AND ITS JURISDICTIONAL FRAMEWORK. THIS OPTIONS PAPER IS DUE TO GO TO THE CABINET AT THE END OF SEPTEMBER. IT WILL THEN BE CONSIDERED BY THE CABINET BEFORE ANY DECISION IS MADE. IT IS ELIASSEN'S VIEW THAT IT IS NOT NECESSARY FOR THE GOVERNMENT TO MAKE A DECISION ON SVALBARD UNTIL AFTER NORWAY ESTABLISHES ITS MAINLAND ZONES (NOW SCHEDULED FOR EARLY 1977). EVEN THEN, HE SAID, IT MIGHT BE POSSIBLE TO WORK OUT ALTERNATIVE MEANS TO MEET NORWAY'S MAJOR CONCERN, FISHERIES' CONSERVATION, SOME OTHER WAY, FOR EXAMPLE THROUGH NEAFC.

CONFIDENTIAL

CONFIDENTIAL

PAGE 03 OSLO 03844 070753Z

THEREFORE, NO FINAL DECISION IS LIKELY FOR SOME TIME AS NORWAY WILL WISH TO KEEP ITS OPTIONS OPEN.

4. ELIASSEN POINTED OUT THAT THERE WOULD BE A SPECIAL MEETING OF THE NEAFC IN NOVEMBER, AND NORWAY WOULD SEEK QUOTAS AND TOTAL OVERALL CATCH FIGURES FOR COD AND OTHER FISH AT THAT MEETING. ALTHOUGH HE WAS SKEPTICAL ABOUT THE ABILITY OF THE NEAFC TO REACH A SATISFACTORY AGREEMENT ON COD, THERE WAS A CHANCE THAT THE WHOLE QUESTION OF

FISHING FOR COD, INCLUDING IN THE AREA AROUND SVALBARD, COULD BE RESOLVED IN THAT BODY. ANOTHER ALTERNATIVE MIGHT BE FOR NORWAY SIMPLY TO REGULATE FISHING WITHIN 200 MILES OF SVALBARD WITHOUT FORMALLY ESTABLISHING EITHER A FISHING OR ECONOMIC ZONE THERE, ALTHOUGH HE DECLINED TO COMMENT ON HOW THIS COULD BE DONE WITHOUT FIRST EXTENDING NORWEGIAN JURISDICTION IN THE AREA.

5.COMMENT: WE BELIEVE THAT THE GON'S PRESENT TIMETABLE WILL ALLOW THE USG AN OPPORTUNITY TO CONSULT WITH NORWAY ON SVALBARD FISHERIES DURING THE NEXT ROUND OF U.S.-NORWEGIAN CONSULTATIONS IN OCTOBER AND TO HAVE U.S. VIEWS FACTORED INTO NORWEGIAN CONSIDERATION OF ITS SVALBARD FISHING POLICY BEFORE A FINAL DECISION ON THAT POLICY IT MADE. ELIASSEN SEEMS TO HAVE BACKED AWAY FROM HIS EARLIER POSITION THAT THERE MIGHT NOT BE TIME TO CONSULT ON SVALBARD FISHERIES BEFORE NORWAY DECIDED ON ITS POLICY AND THE NEXT U.S.-NORWEGIAN SVALBARD CONSULTATIONS WERE HELD. ADMITTEDLY, ENABLING LEGISLATION FOR ESTABLISHMENT OF 200-MILE ECONOMIC ZONES AROUND SVALBARD AS WELL AS THE NORWEGIAN MAINLAND WILL GO FORWARD TO PARLIAMENT BEFORE OUR CONSULTATIONS. HOWEVER, ACCORDING TO CURRENT GON PLANNING, NO DECISIONS ON IMPLEMENTING THIS LEGISLATION WILL BE MADE BEFORE WE HOLD THESE TALKS, AND NORWAY SEEMS TO HAVE JOINED US IN LOOKING AT THE OVERALL POLITICAL RAMIFICATIONS OF ITS SVALBARD ACTIONS AND POLICIES RATHER THAN CONSERING THEM PIECEMEAL.

6. FOR THESE REASONS AND FOR THOSE STATED IN OSLO 3764, WE NOW BELIEVE THAT WE SHOULD HOLD OFF ENTERING A FORMAL RESERVATION ON A SVALBARD FISHERIES ZONE UNTIL AFTER OUR OCTOBER CONSULTATIONS. AT THAT TIME WE CAN REEXAMINE WHAT WE SHOULD DO IN THE LIGHT OF THOSE CONSULTATIONS AND DECIDE HOW WE SHOULD PROCEED. IN THE MEANWHILE WE WILL CONTINUE CAREFULLY TO MONITOR THE GON'S INTERNAL CONSIDERATION OF SVALBARD ZONES, AND IF THERE IS ANY CHANGE IN THAT TIMETABLE, WE CAN REEXAMINE OUR NEXT MOVE.

ANDERS

CONFIDENTIAL

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PAGE 04 OSLO 03844 070753Z

CONFIDENTIAL

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